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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/591,379

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Alfred Thomas

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EXAMINER

SHAH, MILAP

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/591,379	<b>Applicant(s)</b> THOMAS, ALFRED	
	<b>Examiner</b> Milap Shah	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 47-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 47-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

This action is in response to Applicant's election to prosecute Group I (claims 1-15 and new claims 47-56), which was in response to a restriction requirement of claims 1-47 as set forth in the previous office action. The Examiner acknowledges that no claims were amended, claims 16-46 were canceled, and claims 47-56 were added. Therefore, claims 1-15 and 47-56 are currently pending.

In view of the new grounds of rejection below, for at least previously presented claims 1-15, this action is being made NON-FINAL to afford the Applicant an opportunity to respond to these new rejections.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7, 15, & 47-56 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 15, & 47 each appear to recite "...to modify the shape of pixels on the LCD display" (or similar without "LCD"). This recitation, however, does not appear to be commensurate with the scope of the instant application and thus this language appears to be indefinite. It is the Examiner's position that the *shape* of a pixel cannot be modified *on* the LCD display. As recited in some dependent claims, the scope of the instant application appears to be directed to appearance of the shape of the pixels being modified, however, it appears the shape of the pixel itself as displayed by the display device cannot be modified merely with a "mask" as claimed (i.e. perception versus actual modification). For at least this reason, the Examiner finds the language indefinite. It is suggested the Applicant clearly set forth that the perceived

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appearance of the shape of the pixel is modified via the mask and not the pixel itself as displayed on the display device.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 & 47-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Applicant Admitted Prior Art” under MPEP 2129 (hereafter “the background”) in view of Natori (U.S. Patent No. 6,443,597).

**Note:** “The background” herein refers to the section of the specification of the instant invention entitled “Background of the Invention”, and more specifically paragraphs 0002-0005, of the Published Application Publication Number 2007/0279538. This disclosure is considered to be admitted prior art under MPEP 2129, since it discusses what the Applicant alleges to be known in the art at the time the invention was made.

**Claims 1-4, 7-10, 12, 13, 15, 47, 48, & 50:** The background discloses what is known in the art including a gaming machine (i.e. a mechanical or video slot machine) that is capable of presenting at least two types of media to a player, including primary media and secondary media (paragraphs 0002-0005). Applicant appears to admit that primary media is displayed by the gaming machine, where primary media directed to the playing of the base game, such as the slot game including either a mechanical slot game or a video slot game using at least a primary display area of the gaming machine. Similarly, Applicant appears to admit that secondary media is directed to the

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content for representing bonus games, entertainment content (i.e. graphical scenes or the like), and the like on at least a secondary LCD flat-screened monitor or the like. Thus, the Examiner submits that "the background" appears to admit at least a gaming unit and a media control unit in a gaming machine used to facilitate the presentation of primary and secondary media to a player using at least a primary and secondary display, where the secondary display may be a LCD display device.

Applicant also appears to disclose known pinball display using a low-resolution gas-plasma displays which used circular dots instead of pixels.

Thus, in regards to at least claims 1-4, 7-10, 12, 13, 15, 47, 48, & 50, the background fails to explicitly disclose a mask overlaying the secondary LCD display for masking selected portions of the LCD display to modify how pixels are perceived to a player, where the mask comprises a stencil having a matrix of dots for passing selected portions of the pixels. In doing such, the player perceives circular or round pixels as the stencil modifies the perceived shape of the pixels of the LCD display device.

Regardless of the deficiency, it would have been obvious to those skilled in the art to utilize known methods of improving of quality of low-tech display devices using overlaid masks, stencils, plates, or the like. Diffusion plates are well known in the display arts for use in various methods, including modifying the perceived shape of pixels. The Examiner submits that Natori explicitly discloses a "mask" overlaying a display device to form circular pixels by passing selection portions of square pixels via the "mask (column 1, lines 17-45 and figures 7-9). Natori discloses a "reflector frame 24, the upper portion thereof is covered with disk-like transparent scattering plate" 25 (broadly, a mask with a stencil including a matrix of dots as shown in figure 9) that overlays an LED display device (figure 8) for the explicit purpose of altering the perceived shape of the pixels. Natori is directed to changing the perceived shape of pixels for an LED display, however, the underlying

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display device appears irrelevant to achieving the same result of circular or round pixels from square pixels as taught. The secondary display device as disclosed by the background presents an image as shown in prior art figure 3 of the instant application, thus, clearly the underlying display device is irrelevant as even the underlying LCD device of figure 3 includes large square pixels, which would work equally well with the mask taught by Natori for LED display devices. Natori also teaches the LED display devices use an array or matrix of square pixels (figure 7), where the circular or round pixel “stencil” of dots is aligned to the corresponding square pixels (figure 9). Those skilled in the art would be motivated to implement a mask as suggested by Natori to allow for the edges of pixels to be smoothed thereby resulting in video having slightly better quality without the need to modify the hardware of the gaming machine to upgrade the secondary LCD display. For instance, such a method is applicable to retrofit an older slot machine to improve quality of the secondary LCD display without requiring changes in expensive hardware. For at least these reasons, it appears that those skilled in the art would have found it obvious to implement a known mask for modifying the perception of square pixels to circular pixels, as at the time the invention was made, displays incorporating circular or round pixels by default proved to be of better quality for at least artwork and graphical representations of media content without the need of a LCD display device of high cost or high quality. Therefore, it would have been *prima facie* obvious to those skilled in the art to implement the teachings of Natori within the gaming device as disclosed by the background for at least the purpose of providing a display of graphics where the graphics are perceived to be of higher quality than what is actually being output by the LCD display device.

**Claims 5 & 6:** In a broadest reasonable interpretation, each dot may be considered a segment, such that the segments are arranged in seven segment units (i.e. every seven segments may be considered a “unit”) for display of numbers or any media content.

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**Claims 11, 14, & 51:** The combination of the background and Natori disclose the invention substantially as claimed except for explicitly disclosing the mask/stencil changes the shape of groups of square pixels into large round dots, includes different sized round dots and comprises segments for forming numbers, or only covers a portion of the display device. Regardless, the Examiner submits that these minor modifications to the general teachings of Natori are a mere matter of design choice building upon the concept of Natori. Those skilled in the art, such as game designers, would have possessed the common skill and general knowledge to make such minor modifications for the purposes of ornamentation, such as to form specific and different sized dots based on the desired application of the matrices, such as segments for displaying numbers and the like, or only cover a portion of the display device. For instance, only a portion of the entire secondary LCD display device is utilized for showing secondary media, thus, only that portion requires the mask when the mask is applied to increase perceived resolution. Frankly, the subject matter of claims 11, 14, & 51 is a mere matter of design choice and the Applicant has note stated that such minor modifications solve any stated problem or are for any particular purpose, and it appears the such minor modification were merely for the purpose of ornamentation. In such cases, the courts have held that matters related to mere ornamentation cannot be relied upon to distinguish over the prior art. Thus, regardless of the deficiency of this subject matter from the combination of the background and Natori, those skilled in the art would have been motivated to make such minor modifications, using their ordinary level of skill in this art.

**Claims 49 & 56:** In the broadest reasonable interpretation, as the Natori teaches are being applied to the secondary display taught by the background, it would appear that stencil of dots lines up with corresponding graphics being displayed on that secondary LCD display device to provide a low-tech

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appearance to a viewer with an appearance of increased resolution (i.e. by forming smoother edged round pixels, the resolution is perceived to be increased).

**Claims 52 & 53:** The combination of the background and Natori discloses the invention substantially as claimed except for explicitly disclosing the means for affixing the mask to the display device, such as via a pressure sensitive adhesive or via static electricity. Nonetheless, a mask or stencil as generally known may be affixed in a variety of applications via a pressure sensitive adhesive or via simple static electricity. As Natori appears to lack a description of the material used to construct the "mask", the Examiner submits that those skilled in the art would have found it an obvious matter of choice to affix the mask to the LCD display device using known methods based on the material used in construction of the mask. For instance, if using flexible plastic as some stencils are created in such a way, simple static electricity may be used to affix the mask/stencil to the LCD panel. Regardless of a lacking disclosure to the specific affixing means, it would have been prima facie obvious to those skill in the art to use known means to affix the mask/stencil to the LCD display device as the Applicant has failed to disclose how either of these well known affixing methods solves a stated problem or is for any particular reason. It would have been an art recognized equivalent for the same purpose to interchange the affixing means.

**Claim 54:** As discussed above, Natori lacks an explicit disclosure of the material used in construction of the mask, however, all materials have *some* flex, even if such flex is unnoticeable by the human eye, thus, in a broadest reasonable interpretation, the mask of Natori is formed of a "flexible" material.

**Claim 55:** The mask of Natori includes a "filter", such as the mask only allows portion of the pixel to come through the mask, thus filtering the input.



***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Applicant is directed to the attached "Notice of References Cited" for additional relevant prior art. The Applicant is requested to review each reference as potentially teaching all or part of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milap Shah whose telephone number is (571) 272-1723. The examiner can normally be reached on M-F: 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MBS/

/Peter D. Vo/  
Supervisory Patent Examiner, Art Unit 3714